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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/539,671

06/14/2005

Philippe Damour

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EXAMINER

JOYCE, WILLIAM C

ART UNIT

PAPER NUMBER

3656

MAIL DATE

DELIVERY MODE

01/26/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/539,671	Applicant(s) DAMOUR, PHILIPPE	
	Examiner William C. Joyce	Art Unit 3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the amendment filed December 21, 2009 for the above identified patent application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Gilman (USP 2,124,060) or Lehmann et al. (USP 6,227,709), in view of Green (GB 1 391 427) .

Gilman disclose a bearing shell having at least one marking (13) in an inner surface within a strip-shaped area of the bearing shell below a parting face of the bearing and an overlay applied to said inner surface of the bearing.

Lehmann et al. disclose a bearing shell having at least one marking (13,30) in an inner surface within a strip-shaped area of the bearing shell below a parting face of the bearing and an overlay applied to said inner surface of the bearing.

Neither Gilman nor Lehmann et al. disclose the marking being introduced into the bearing prior to the application of the overlay. The prior art to Green discloses

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(pg. 2, line 78+) markings, such as grooves, trademarks or part numbers, are stamped into the bearing prior to application of the overlay. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the bearings of either Gilman or Lehmann et al. with markings prior to the application of the overlay, as taught by Green, motivation being to reduce the possibility of the overlay being damaged during the stamping operation of the marking portion.

With respect to claims 2 and 3, Green discloses (page 2, lines 50+) "machining of the inner surfaces of the bearing *may* be omitted in certain cases."

Accordingly, Green suggests that machining may be appropriate in certain cases. Further, the stamping operation is introduced in combination with a machining operation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the bearing of either Gilman or Lehmann et al. with a machining operation, such as polishing or sizing, after the stamping operation, as suggested by Green, motivation being to provide a bearing having a predetermined size and surface characteristics for a particular application.

With respect to claim 4, combining two separate forming operations into a single forming operation would have been obvious to one in the art to minimize the time needed in forming the bearing. It would have been obvious to one of ordinary skill in the art to form the bearings of either Gilman or Lehmann et al. by

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combine the operations of stamping the marking and punching out the blank, motivation being to reduce the time needed in forming the bearing.

With respect to claim 5, the operation of stamping the marking is considered a shaping operation.

With respect to claim 9, both Gilman or Lehmann et al. illustrate the marking having rounded surfaces. Alternatively, Figure 1 of Lehmann et al. illustrates a prior art marking having a rectangular shape.

With respect to claims 7, 8, 10, and 11, the dimensional relationships defined by the claims are considered an engineering design choice and do not appear to have an effect on the performance of the bearing since the marking is positioned in the relief area. It would have been within the skill of an engineer to configure the bearings of either Gilman or Lehmann et al. with the claimed dimensional relationships as a matter of design choice.

3. Alternatively, claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Gilman (USP 2,124,060) or Lehmann et al. (USP 6,227,709) in view of Green (GB 1 391 427), as applied to claim 1 above, and further in view of Gieseler et al. (USP 5,139,350).

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Gieseler et al. teaches (column 3, lines 63+, and elsewhere) the known manufacturing technique of punching out a blank and stamping a depression in a single operation so as to reduce cost of forming a bearing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the bearing of either Gilman or Lehmann et al. using a single manufacturing operation of punching out a blank and stamping a depression, as taught by Gieseler et al., motivation being to reduce cost and time needed in forming the bearing.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Gilman (USP 2,124,060) or Lehmann et al. (USP 6,227,709) in view of Green (GB 1 391 427), as applied to claim 1 above, and further in view of Kingsbury et al. (USP 3,350,763).

Neither Gilman nor Lehmann et al. disclose the marking being positioned in the middle of the relief area. The prior art to Kingsbury et al. illustrates a marking (15) positioned at the middle portion of the relief area. It would have been obvious to one of ordinary skill in the art at the time the invention was made to position the marking of either Gilman or Lehmann et al. in the middle of the relief area, as a matter of design choice.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (571) 272-7107. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William C. Joyce/
Primary Examiner, Art Unit 3656